IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 786 (MS) OF 2006

1. Devendra Kumar,
2. Sushil Kumar,

Both sons of Sri Raghuveer Singh, R/o Village and post Office-Mundlana, Pargana-Manglore, District-Haridwar.

.....Petitioners.

Versus

1. Collector, Haridwar.
2. Settlement Officer of Consolidation, Haridwar Camp at Roorkee.
3. Smt. Rajkali widow of late Vikram Singh,
4. Romi (minor),
5. Pankaj (minor),

Both sons of late Sri Vikram through their guardian and mother Smt. Rajkali, W/o Sri Vikram Singh, R/o Village Aamkhedi, Pargana Manglore, District-Haridwar.

.....Respondents.

Dated: 23.06.2006

Hon'ble Rajesh Tandon, J.

Heard Sri A.K. Sharma, Advocate for the petitioner and Standing Counsel for the respondents no. 1 and 2.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the order dated 15th May, 2006 passed by the respondent no. 1 Collector Haridwar. Further prayer has been made for a writ of mandamus directing the respondents not to proceed in Case No. 38 of 2004 State of Uttaranchal Vs. Devendra Kumar and another.

Briefly stated, according to the petitioner they have purchased Khasra No. 172 Rakba 1.259 Hectare Mauja Aamkhedi from late Vikram Singh, S/o Sri Simru on 15.07.1995.

The Assistant Consolidation Officer passed the order of mutation on 18.10.1995. An appeal was preferred being Appeal

No. 646 and the same is pending before the Settlement Officer Consolidation.

The grievance of the petitioner is that similar proceedings are also pending before the Collector being Case No. 38 of 2004 and as such the direction may be given for staying another proceedings.

Liberty is given to the petitioner to move an application before the Collector making his grievances. If such an application is filed, the same shall be disposed of in accordance with law. So far as the allowing of the amendment is concerned, no ground is made out for interference.

Writ petition, therefore, is disposed of. No order as to costs.

23.06.2006 (Rajesh Tandon, J.)

Rathour